

Continuation Sheet:

Council 222 submitted the Demand to Bargain to ELR Director, Joseph Sullivan, on August 29, 2016 (Exhibit C).

On August 30, 2016, Hurst emailed Salamido, stating that the meeting with the PMFC had been cancelled, and that management “declined to bargain” over any proposed changes to the Presidential Management Fellows Program as management has not itself proposed mid-term contractual changes. Hurst’s email represented that management had no obligation to bargain with Council 222 under Article 49 of the collective bargaining agreement (CBA) (Exhibit D). Salamido responded to Hurst, stating that the Union had a statutory right to initiate bargaining, and that this issue had already been litigated before the FLRA (Exhibit E). Salamido specifically directed Hurst to the FLRA Hearing Officer’s decision in a previously filed Unfair Labor Practice charge issued by the General Counsel’s Office in WA-CA-15-0044 (Exhibit E). In that case, the General Counsel’s office issued a Complaint for management’s refusal to bargain over union-initiated proposals for protocols related to the Ebola virus (Exhibit F).

Hurst responded by email the same day, claiming that the decision in WA-CA-15-0044 related to language contained in the previous CBA, and that Council 222, had waived its statutory right to bargain when negotiating the new CBA (Exhibit G). In fact, the hearing officer’s decision in WA-CA-15-0044 specifically found that the Union did not waive its right to bargain under the current collective bargaining agreement (Exhibit H, pages 13-14).

As this matter has already been litigated, the agency’s refusal to bargain is in bad faith and violative of the statute. This is also part of a continuing pattern on the part of the agency of refusing to bargain, despite the signing of settlements agreement in previous unfair labor practice charges (WA-CA-15-0272 and WA-CA-15-0434) filed by Council 222, requiring postings by the agency, stating that they would not refuse to negotiate with Council 222 (Exhibit I).

Relief Requested:

1. That the agency be required to fulfill its bargaining obligation and come to the bargaining table in response to the August 29, 2016 Demand to Bargain;
2. That the agency post and electronically mail to all employees a notice of their violation;
3. That management be directed to cease and desist from directing engaging with the PMFC on proposals related to working conditions; and
4. Such other relief deemed appropriate to make the Union whole.

Point of Contact for this action:

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